



Vendor Prequalification

Guidance Document Relating to: 220-RICR-30-00-4

This Guidance Document applies to the "Vendor Prequalification" regulation (220-RICR-30-00-3). Pursuant to R.I. Gen. Laws §§ 42-35-1(a)(9) and 42-35-12.2, this Guidance Document states the agency's current approach to and interpretation of the "Vendor Prequalification" regulation. This Guidance Document is not a regulation and creates no new legal obligations, it is a tool to assist the public's compliance with the regulation. Note that this Guidance Document should be read with the entirety of 220-RICR-30-00-4 and participants are required to abide by all regulatory requirements even if not mentioned in this Guidance Document.

Note that a webpage has been established (<https://www.ridop.ri.gov/prequalification/>) where updates will continue to be posted as they arise. Please submit any questions to Thomas Bovis at Thomas.Bovis@purchasing.ri.gov.

Where should the prequalification packet and supporting documentation be sent?

You can send the pre-qualification packet and supporting documentation to:

Rhode Island Division of Purchases
Attention: Nancy McIntyre, State Purchasing
Agent One Capital Hill, 2nd Floor
Providence, RI 02908

How many copies of the prequalification packet and supporting documentation should be submitted?

Please submit one copy. Hard copies or submissions on a C.D. will be accepted.

What should a vendor submit in response to the requirement set forth in 220-RICR-30-00- 4.6(D)(4)(d) ("All vendors must provide subcontractor lien releases for all projects performed within the past five (5) years.")?

As it relates to the requirement set forth in 220-RICR-30-00-4.6(D)(4)(d), please submit: (1) The fifty (50) subcontractor final lien releases most recently received by your company and (2) a list of all subcontractors hired to work on the projects identified in the lien releases that you provide. Please also note that pursuant to the regulatory language, the Purchasing Agent in her discretion may request additional lien releases prior to prequalification.

What should a vendor submit in response to the requirement set forth in 220-RICR-30-00- 4.6(D)(1)(g) (requiring "information on and evidence of the vendor's compliance record with respect to minority business enterprise and women business enterprise inclusion goals and workforce inclusion goals, if applicable on public works projects within the past five (5) years")?

As it relates to the requirement set forth in 220-RICR-30-00-4.6(D)(4)(d), please submit: a list of the vendor's ten (10) most recent public works projects within the past five (5) years, the MBE/WBE inclusion goal for projects listed, and the percentage of the goal met by the vendor. Please also note that pursuant to the regulatory language, the Purchasing



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Agent in her discretion may request additional information regarding compliance prior to prequalification.

What should a vendor submit in response to the requirement set forth in 220-RICR-30-00- 4.6(D)(1)(e) (requiring a “list of any legal proceedings where the vendor was a named entity for the past five (5) years”)?

220-RICR-30-00-4.6(D)(1)(e) disclosures should include all legal or administrative proceedings (including arbitration) which relate to the procurement or performance of any public or private construction contract. Workers Compensation proceedings do not need to be disclosed.

What should a vendor submit in response to the requirement set forth in 220-RICR-30-00- 4.6(D)(3) (that states, “Vendors who do not maintain permanent workforces, or who propose to subcontract a disproportionate percentage of project work shall be considered unqualified”)?

Vendors should provide information describing vendor’s permanent workforce and describing percentage of subcontractors utilized to complete public works projects. Vendors may for example, may provide an average percentage of work self-performed (performed by its own permanent workforce) on its five (5) most recent projects. Please also note that pursuant to the regulatory language, the Purchasing Agent in her discretion may request additional information regarding permanent workforces prior to prequalification.

Is the requirement set forth in 220-RICR-30-00-4.6(D)(4)(b) (requiring that “vendors who are seeking prequalification for purchase orders over \$20,000,000 must provide Audited Financial Statements”) per project or cumulative to projects over a set number of years?

Vendors who wish to be prequalified to bid on any single solicitation with an estimated value of over \$20,000,000 must submit an Audited Financial Statement. Please note that vendors who wish to be prequalified to bid on a solicitation under \$20,000,000 (and over \$1,000,000) must provide a Reviewed Financial Statement, as required by 220-RICR-30-00-4.6(D)(4)(a).

What do I do if a Solicitation is posted that my company would like to bid on, but I just learned of the new Prequalification requirements, enacted on November 28, 2019?

For the sake of convenience and with the understanding that the prequalification requirements are new, the Division of Purchases intends to invoke 220-RICR-30-00-4.6(A)(1)(c) (the Purchasing Agent may “specify in the Solicitation that vendors who are not prequalified may bid on a public works project but the vendor must be prequalified prior to the issuance of the award”) for Solicitations posted from November 28, 2019 until November 28, 2020. This invocation has been extended through May 1, 2021.

While this allowance is in place, the Division strongly encourages all vendors who intend to bid



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on non-DOT public works projects with an estimated value of \$1,000,000 or higher to submit prequalification packages at their earliest opportunity. Note that prequalification is general and not associated with any particular bid.

Is there a particular form that I should submit to be considered for prequalification?

Use of a specific form is not required, so long as the vendor provides the information and documentation required by the regulatory language. However, for the sake of convenience, the Division of Purchases has created a "Rhode Island Division of Purchases Vendor Prequalification Packet" form that vendors may utilize. It can be found at:

<https://www.ridop.ri.gov/prequalification/>

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